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Paper 9

Filed: April 18, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JONATHAN D. BUCKLEY, TONY A. HANCOCK,
and AUSTIN D. PYLE
Junior Party
(Application 09/270,461),

MAILED

APR 18 2007

v.

RUDOLPH FUCHS
Senior Party
(Patent 6,293,039).

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Patent Interference No. 105,548 (SCM)
(Technology Center 2600)

Before: SCHAFER, LANE, and MEDLEY, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

Judgment - Bd.R. 127(b)

1 On 27 March 2007, the Board ordered Fuchs to show cause why judgment
2 should not be entered against it (Paper 8). Fuchs did not file a response.

3 On 13 April 2007, Board personnel Maria Vignone spoke with Mr. Logsdon,
4 who is said to represent the party Fuchs. Mr. Logsdon informed Ms. Vignone that
5 Fuchs would not file a response to the show cause order.

Accordingly, it is

ORDERED that judgment on priority as to Count 1 (Paper 1 at 4) in the interference is awarded against senior party RUDOLPH FUCHS.

FURTHER ORDERED that senior party RUDOLPH FUCHS is not entitled to a patent containing claims 1-19 (corresponding to Count 1) of U.S. Patent 6,293,039.

FURTHER ORDERED that a copy of this paper shall be made of record in the files of application 09/270,461 and U.S. Patent 6,293,039.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and Bd.R. 205.

/Richard E. Schafer/)
RICHARD E. SCHAFER)
Administrative Patent Judge)

/Sally G. Lane/) BOARD OF PATENT
SALLY G. LANE) APPEALS AND
Administrative Patent Judge) INTERFERENCES

/Sally C. Medley/)
SALLY C. MEDLEY)
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